REMARKS

Currently, claims 1-23 are pending. The Examiner has additionally restricted the claims in the case to six (6) invention groups, as follows:

1. Invention I, claims 1, 3-13 and 17-23, drawn to a method for the treatment of a disorder of the central nervous system and/or eye comprising the use of a compound capable of modulating a target gene or gene product, wherein the compound may be a nucleic acid molecule, more particularly, an antisense nucleic acid or a ribozyme;

2. Invention II, claims 1, 3-13 and 17-23, drawn to a method for the treatment of a disorder of the central nervous system and/or eye comprising the use of a compound capable of modulating a target gene or gene product, wherein the compound may be a nucleic acid molecule, more particularly, a sense nucleic acid molecule;

3. Invention III, claims 1, 3-11, 13-16 and 19-23, drawn to a method for the treatment of a disorder of the central nervous system and/or eye comprising the use of a compound capable of modulating a target gene or gene product, wherein the compound may be a nucleic acid molecule, more particularly, a dsRNA;

4. Invention IV, claims 1, 3-11, and 19-23, drawn to a method for the treatment of a disorder of the central nervous system and/or eye comprising the use of a compound capable of modulating a target gene or gene product, wherein the compound may be a polypeptide;

5. Invention V, claims 1, 3-11 and 19-23, drawn to a method for the treatment of a disorder of the central nervous system and/or eye comprising the use of a compound capable of modulating a target gene or gene product, wherein the compound may be an antibody; and

3. Invention VI, claims 1, 3-11, and 19-23, drawn to a method for the treatment of a disorder of the central nervous system and/or eye comprising the use of a compound capable of modulating a target gene or gene product, wherein the compound may be a ligand binding molecule.

Additionally, the examiner has required election of a single sequence from SEQ ID NOs. 1, 2, 3 or 4 as set forth in claim 19.

Applicants respectfully traverse the restriction requirement and requests reconsideration. In order to be fully responsive, Applicants have provisionally elected, with

traverse, the invention of Invention Group III as defined by claims 1, 3-11, 13, 14-16 and 19-23 directed to a method for the treatment of a disorder of the central nervous system and/or eye comprising the use of a compound capable of modulating a target gene or gene product, wherein the compound may be a nucleic acid molecule, more particularly, a dsRNA, and further elects SEQ ID No. 3 that corresponds to the human gene encoding the beta-subunit of rod cGMP phosphodiesterase.

It is respectfully submitted that the search classification for each invention group will substantially overlap. Each of the claims, as presently recited, includes a compound capable of modulating a target gene or gene product, and involves a method of treating a disorder of the eye or CNS by administering such a compound outside the blood-retina or blood-brain barrier. The Examiner will not be seriously burdened by searching and considering the inventions as described in all the previously pending claims. Accordingly, the Examiner has not established a proper restriction requirement under MPEP § 803.

By this election, Applicants do not admit, nor do Applicants waive the right to argue against at a later date, the Examiner's statement that the groups of inventions are patentably distinct. Applicants expressly reserve the right to present the claims of Invention Groups I, II and IV-VI, or other claims, in one or more divisional, continuation, or continuation-in-part applications at a later date.

CONCLUSION

Applicants have timely filed this response. In the event that a fee is required for this response, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0436.

Should the Examiner have any questions or comments, or need any additional information from Applicants' attorney, he is invited to contact the undersigned at his convenience.

Respectfully submitted,

By: _____

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